IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.246 OF 2007

M/s. Shri M.S.R. Marketing
and 2 Ors. ...Petitioners.

Versus

Anchor Daewoo Industries Ltd.,
and Anr. ...Respondents.

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Ms.Poonam Mital, Adv. for Petitioners.
Ms.S.V.Gajre, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 22nd February, 2007.

P.C.:

1. Heard the learned Advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned M.M., 33rd Court at Ballard Pier in C.C.No.4041/SS/2004. In the said case process is issued under Section 138 r/w. 141 of N.I.Act.

3. For the reasons recorded in the the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a

revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall after hearing necessary parties dispose of the matter on merits.

6. Application is disposed of.

(SMT.V.K.TAHILRAMANI,J.)